

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re: : Chapter 11  
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MELVYN D. WEINTRAUB and :  
:  
LINDA F. WEINTRAUB, :  
:  
Debtors. :  
:  
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**ORDER GRANTING CHAPTER 11 TRUSTEE'S MOTION FOR AN ORDER  
PURSUANT TO SECTIONS 105(A) AND 1112(B) OF THE BANKRUPTCY  
CODE DISMISSING THE DEBTORS' CHAPTER 11 CASE**

Upon consideration of the application (the "Motion")<sup>1</sup> [Dkt. No. 409] of Albert Togut, not individually but solely in his capacity as the Chapter 11 Trustee of the estates of Melvyn D. Weintraub and Linda F. Weintraub (jointly, the "Debtors"), by his attorneys, Togut, Segal & Segal LLP, for entry of an order pursuant to sections 105(a) and 1112(b) of title 11 of the United States Code (the "Bankruptcy Code");

(a) dismissing the Debtors' Chapter 11 bankruptcy case; (b) authorizing the Trustee to distribute the remaining funds as set forth in Exhibit "1" attached hereto; and  
(c) granting such other and further relief as the Court deems just and proper; and it appearing that the Court has jurisdiction to consider the Motion; and this Court having reviewed the Motion and having conducted a hearing to consider the Motion on July 17, 2018 date (the "Hearing"); and the Court having found that (a) dismissal of this case is in the best interests of the Debtors and their estates, (b) confirmation of a plan of

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<sup>1</sup> Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to such terms in the Motion.

reorganization and/or liquidation is not feasible or possible in this case, (c) there are no unusual circumstances establishing that dismissing this case is not in the best interests of the creditors, and (d) conversion of this case to Chapter 7 would serve no useful purpose and therefore is not in the best interests of the Debtors, the Debtors' estates or creditors; and based on the foregoing and upon the record made at the Hearing, the Court having concluded that cause exists to grant the relief requested in the Motion; and the relief requested being reasonable and necessary; and it appearing that good and sufficient notice of the Motion has been given under the circumstances of this case, and that no other or further notice need be provided; and upon all of the prior pleadings, and proceedings had herein and the record made at the Hearing, and good and sufficient cause appearing therefore, it is

**ORDERED**, that the Motion is granted; and it is further

**ORDERED**, that pursuant to sections 105(a) and 1112(b) of the Bankruptcy Code, the Chapter 11 case of Melvyn D. Weintraub and Linda F. Weintraub Case No. 11-15499 (JLG) is hereby DISMISSED effective as of the date of this Order; and it is further

**ORDERED**, that except as expressly set forth herein, all orders entered in the above-captioned case prior to the date hereof shall continue in full force and effect; and it is

**ORDERED**, that the Trustee is authorized and directed to distribute the Balance on Hand as provided in Exhibit "1" annexed hereto, and the Trustee and his retained professionals are authorized to take all such other and further actions and sign

and deliver such documents as may be necessary or required to close this case and implement this Order; and it is further

**ORDERED**, that the Trustee's distributions to the OMNIS Partners shall be in full and final satisfaction of any and all claims that the OMNIS Partners had or may have against the Trustee and the Estate concerning or arising from OMNIS and/or the sale of the Ohio Property; and it is further

**ORDERED**, that upon the filing of a declaration by the Trustee confirming that all of the distributions authorized by this Order have been made, the Clerk of the Court shall be authorized to file a final decree closing this case, discharging the Trustee, and cancelling his bond; and it is further

**ORDERED**, that this Court retains exclusive jurisdiction to adjudicate all matters arising from or related to the implementation of this Order.

DATED: New York, New York  
August 1, 2018

/s/ James L. Garrity, Jr.

HONORABLE JAMES L. GARRITY, JR.  
UNITED STATES BANKRUPTCY JUDGE